

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.10612 of 2004

Smt.Narusissa Yakub Baig .. Petitioner.

V/s.

Smt.Sherbano Yakub Baig &Ors .. Respondents.

Mr.I.R. Kulkarni with Mr.D.S. Joshi for the
petitioner.

Mr.Rajiv Patil for respondent Nos.1,2 & 5.

CORAM : F.I. REBELLO, J.

DATED : 19TH JANUARY, 2005.

P.C. :

1. After having heard the learned counsel for the parties and considering the judgment of the Apex Court in the case of **Madhvi Amma Bhawani Amma & Others V/s. Kunjikutty Pillai Meenakshi Pillai & Others [AIR 2000 SC 2301]**, there is no finality in the decision of issuance of succession certificate.

2. The learned counsel for the petitioner prays that the application along with Exhibit 25, say of respondents-opponents No.6 to 13 be disposed of. It is the contention that the applicant before the trial court is not a muslim and, therefore, application as filed is not maintainable. That question can also be gone into while disposing of the application finally.

Considering the findings, no interference is called for in exercise of the extra ordinary jurisdiction of this court.

3. The Trial Court is further directed to dispose of the application along with Exhibit 25.

4. In view of above observation, the writ petition stands disposed of.

(F.I. REBELLO, J.)